

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
TUESDAY, APRIL 8, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Public Employee Informal Performance Evaluation, City Attorney, Pursuant to Government Code Section 54957**
4. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene Study Session – **City Manager Recruitment**
4. Public Comments
5. Adjourn Special Meeting

7 P.M. REGULAR MEETING

SALUTE TO THE FLAG

ROLL CALL

(Per Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain and will be placed at the beginning of the public hearings/general business portion of the ensuing agenda. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.)

CLOSED SESSION REPORT FOR APRIL 8, 2008

Public Employee Informal Performance Evaluation, City Attorney, Pursuant to Government Code Section 54957

**SPECIAL ORDER OF THE DAY – Proclamation for the Month of the Child
recognition of child care providers and centers**

SPECIAL ORDER OF THE DAY – Proclamation for National Volunteer Week

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–104 No. 395

Staff Recommendation: Council reviews the attached list of bills.

Staff Contact: Karen Theriault, (408) 730-7418

Contract Items

- 1.C. MOTION Authorization to Modify an Existing Contract for Property Management
RTC 08–111 Services (F0703-81)

Staff Recommendation: Council authorizes modification of an existing contract with GS Commercial Management Incorporated, in substantially the same form as the attached draft Change Order, by increasing the current \$55,000 contract to \$75,000.

Staff Contact: Karen Theriault, (408) 730-7418

- 1.D. MOTION Award of Request for Proposals for Financial Auditing Services (F0712-
RTC 08–105 60)

Staff Recommendation:

- Council awards a five-year contract to Maze & Associates to provide financial auditing services; and
- Council delegates authority to the City Manager to exercise an option to extend the contract for two additional one-year periods if in the City's best interest.

Staff Contact: Karen Theriault, (408) 730-7418

- 1.E. MOTION Award of a Contract to Design and Prepare Construction Documents for
RTC 08–107 the Rehabilitation of Four Air Flotation Thickeners at the Water Pollution
Control Plant (F0711-50)

Staff Recommendation:

- Council awards a contract, in substantially the same form as the attached draft and in the amount of \$403,100, to RMC Water and Environment for design and the preparation of construction documents for the Rehabilitation of Four Air Flotation Thickeners at the Water Pollution Control Plant; and
- Council approves a design contingency in the amount of \$60,465.

Staff Contact: Karen Theriault, (408) 730-7418

- 1.F. MOTION Award of Contract for Maintenance and Support for the Public Safety
RTC 08-112 Dispatch and Records Management Systems (F0703-76)

Staff Recommendation:

- Council awards a one-year contract to Tiburon Incorporated, in an amount not to exceed \$96,580, to Tiburon Incorporated, for software maintenance and support; and
- Council delegates authority to the City Manager to exercise an option to extend the contract for two additional one-year periods if in the City's best interest.

Staff Contact: Karen Theriault, (408) 730-7418

- 1.G. MOTION Approve an Exclusive Negotiating Rights Agreement (ENRA) between
RTC 08-095 the City and Mid-Peninsula Housing Coalition as the Developer for An Affordable Senior Housing Project at 660 S. Fair Oaks

Staff Recommendation: Council approves an Exclusive Negotiating Rights Agreement between the City and Mid-Peninsula Housing Coalition as the Developer for An Affordable Senior housing Project at 660 S. Fair Oaks.

Staff Contact: Hanson Hom, (408) 730-7450

- 1.H. MOTION Award of Request for Proposals No. F0708-24 for Long Range Facilities
RTC 08-109 Planning Services and Approval of Budget Modification No. 46

Staff Recommendation:

- Council awards a contract to Carter Goble Associates Incorporated, in substantially the same form as the attached draft and in an amount not to exceed \$195,880, to provide long range facilities planning services: and
- Council approves Budget Modification No. 46.

Staff Contact: Coryn Campbell, (408) 730-7475

Other Items

- 1.I. RESOLUTION Resolution Authorizing Destruction of Certain Documents Pertaining to
MOTION Citizen Complaints/Inquires, Internal Investigations, Applicant
RTC 08-087 Backgrounds for Non-Hires, Officer Involved Vehicle Collisions, Canine Unit Training and Deployment Records, Inactive Carry Concealed Weapon (CCW) Permit Documentation, Mobile Video Recorder Tapes, Communication Tapes, Digital Images and all Other Routine Audio and Video Monitoring Eligible for Destruction

Staff Recommendation: Council approves the Resolution allowing for the destruction of specified records and recordings from the Department of Public Safety.

Staff Contact: Heather Tannehill, (408) 730-7157

- 1.J. MOTION Request to Revise Performance Measures in the FY 2007/2008
RTC 08-108 Approved Budget for Department of Employment Development

Staff Recommendation: Council approves modifications of performance measures for FY 2007/2008.

Staff Contact: Mike Curran, (408) 730-7248

- 1.K. MOTION Authorization for NOVA to Apply to U.S. Department of Labor for
RTC 08-101 Science, Technology, Engineering, and Mathematics (STEM) Initiative
Funding in an Amount not to Exceed \$2 Million

Staff Recommendation: Council authorizes the submission of a proposal to the U.S. Department of Labor for a STEM initiative grant in an amount not to exceed \$2 million.

Staff Contact: Mike Curran, (408) 730-7248

- 1.L. MOTION Authorization to Award Contract in the Amount of \$460,000 to Vietnam
RTC 08-102 Veterans of California for Veterans Employment – Related Assistance
Program

Staff Recommendation: Council authorizes the award of a contract in the amount of \$460,000 to Vietnam Veterans of California to provide services for the Veterans Employment – Related Assistance Program.

Staff Contact: Mike Curran, (408) 730-7248

- 1.M. ORDINANCE Adoption of Ordinance No. 2869-08 Awarding Nonexclusive Franchise to
No. 2869-08 Amritpal Singh Doing Business as A-1 Cab Company

Staff Recommendation: Council approves the second reading of Ordinance No. 2869-08.

Staff Contact: David Kahn, (408) 730-7464

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Tasman/Fair Oaks Area Parking Issues
RTC 08-103

Staff Recommendation: Council does not take action on Tasman/Fair Oaks parking issues at this time.

Staff Contact: Jack Witthaus, (408) 730-7330

3. RESOLUTION Conduct Protest Hearing and Adoption of Resolution of Intention of the
MOTION City of Sunnyvale to Levy an Annual Assessment for the Downtown
RTC 08–106 Sunnyvale Business Improvement District

Staff Recommendation: Council adopts Resolution of Intention of the City of Sunnyvale to Levy an Annual Assessment for the Downtown Sunnyvale Business Improvement District.
Staff Contact: Maria Rodriguez, (408) 730-7702

4. MOTION Silicon Valley Regional Interoperability Project Update and Request for
RTC 08–110 Funding to Support the 2008 Emergency Communications (ECOMM)
Work Plan

Staff Recommendation: Council confirms to continue as a participant of SVRIP and approves annual funding for the SVRIP ECOMM Project in the Department of Public Safety Operating Budget; beginning in FY 2008/2009, \$13,157 for the apportioned cost of the ECOMM Executive Director. In FY 2009/2010, an additional \$16,738 for partial system maintenance; and in FY 2010/2011 \$24,288 (inflated five-percent annually) to fund complete system maintenance; and directs staff to return to council at the end of the five year period, to ensure the funding distribution formula for system maintenance is equitable to all participating agencies.
Staff Contact: Don Johnson, (408) 730-7155

5. MOTION Annual Review of City's Code of Ethics and Code of Conduct
RTC 08–113

Staff Recommendation:

- Council revises the Code of Conduct to apply to appointed officials (board and commission members) as well as elected officials (City Council);
- Council combines the Code of Ethics and Code of Conduct into one document, as depicted by Attachment C and eliminates duplicated material in the future years; and
- Council schedules the annual review of the Code of Ethics and the Code of Conduct shortly following the selection of the Vice Mayor each year.

Staff Contact: Robert Walker, (408) 730-7458

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of March 20, 2008
- RTC 08-115 Board and Commission Resignation
- RTC 08-114 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of March 24, 2008 and the Administrative Hearing of March 31, 2008

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
April 8, 2008	Council Meeting	7 p.m.	Council Chambers
April 22, 2008	Council Meeting	7 p.m.	Council Chambers
April 29, 2008	Council Meeting	7 p.m.	Council Chambers
May 6, 2008	Council Meeting	7 p.m.	Council Chambers
May 13, 2008	Council Meeting	7 p.m.	Council Chambers
May 23, 2008	City Manager's Recommended Budget Workshop	8:30 p.m.	Council Chambers
June 3, 2008	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

April 9, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
April 14, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
April 14, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 16, 2008	Administrative Hearing	2 p.m.	West Conf. Room
April 16, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
April 16, 2008	Arts Commission	7 p.m.	Council Chambers
April 17, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
April 21, 2008	Personnel Board	5 p.m.	Council Chambers
April 28, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
April 28, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 30, 2008	Administrative Hearing	2 p.m.	West Conf. Room
May 5, 2008	Board of Library Trustees	7 p.m.	Council Chambers
May 7, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
May 14, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
May 21, 2008	Arts Commission	7 p.m.	Council Chambers
June 11, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
June 18, 2008	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

April 8, 2008	City Council Meeting – Live	7 p.m.
April 9, 2008	City Council Meeting – Replay of April 8, 2008	7 p.m.
April 13, 2008	City Council Meeting – Replay of April 8, 2008	4 p.m.
April 22, 2008	City Council Meeting – Live	7 p.m.
April 23, 2008	City Council Meeting – Replay of April 22, 2008	7 p.m.
April 27, 2008	City Council Meeting – Replay of April 22, 2008	4 p.m.
April 29, 2008	City Council Meeting – Live	7 p.m.
April 30, 2008	City Council Meeting – Replay of April 29, 2008	7 p.m.
May 4, 2008	City Council Meeting – Replay of April 29, 2008	4 p.m.
May 6, 2008	City Council Meeting – Live	7 p.m.
May 7, 2008	City Council Meeting – Replay of May 6, 2008	7 p.m.
May 11, 2008	City Council Meeting – Replay of May 6, 2008	4 p.m.
May 13, 2008	City Council Meeting – Live	7 p.m.
May 14, 2008	City Council Meeting – Replay of May 13, 2008	7 p.m.
May 18, 2008	City Council Meeting – Replay of May 13, 2008	4 p.m.
May 23, 2008	City Council Meeting – Live	8:30 a.m.
May 24, 2008	City Council Meeting – Replay of City Manager's Recommended Budget Workshop on May 23, 2008	8:30 a.m.
May 28, 2008	City Council Meeting – Replay of City Manager's Recommended Budget Workshop on May 23, 2008	8:30 a.m.
June 3, 2008	City Council Meeting – Live	7 p.m.
June 4, 2008	City Council Meeting – Replay of June 3, 2008	7 p.m.
June 8, 2008	City Council Meeting – Replay of June 3, 2008	4 p.m.